

Mandatory Licence Conditions Schedule 1

Re:
Ref No:

Any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial penalty of up to £30,000 as alternative to prosecution. Under the Housing Act 2004, Section 70(2)(a), the licence may also be revoked.

Note: The terms ‘licence holder’ ‘manager’ and ‘managing agent’ are used throughout this schedule for whom legal liability for compliance applies equally/to all parties.

Further information is provided in the ‘guidance and notes’ section about the licence conditions.

1. Occupation – Number of Occupiers

The maximum number of households allowed to occupy the property is **X**, and the maximum number of persons allowed to occupy the property is **X**.

Floor	Location	Room No	Sleeping for (Max no. of persons)
Ground	Front	5	1
Ground	Rear	4	1
First	Front	3	1
First	Rear Right	2	1
First	Rear Left	1	1
Total			5

Note: the terms “left” and “right” are assigned facing the house from the front elevation

Where any room is indicated with a permitted occupancy of 0, due to either inadequate size of the room or insufficiency of amenities, arrangements must be made by the licence holder to ensure that those rooms are not used for sleeping either with or without the licence holder’s knowledge or agreement. The nature of those arrangements must be notified in writing to the Council within twenty-eight days of the date of issue of the licence.

Common areas are not to be used for sleeping purposes either by the tenants or their guests.

**** (Delete/Amend paragraph as appropriate to suit circumstances)**

Rooms 5 (first floor rear left), 6 (first floor rear middle), 7 (first floor rear right) and 8 (first floor front right) are currently undersized and must not be used by an occupant as sleeping accommodation by one person aged over 10 years unless suitable alterations are carried out to ensure the floor area of that bedroom is not less than 6.51 square metres.

COMPLETION: This must be complied with from the date of the licence.

1.1 Minimum Room Sizes

The licence holder of the licensed HMO is required: -

- a) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- b) to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- c) to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- d) to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

The licence holder of the licensed HMO is required: -

- e) to ensure where any room in the HMO is used as sleeping accommodation by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;
- f) to ensure where any room in the HMO is used as sleeping accommodation by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
- g) to ensure any room in the HMO is used as sleeping accommodation by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.
- h) to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres

Minimum Room Sizes General

A reference to a number of persons using a room in the HMO as sleeping accommodation does not include a person doing so as a visitor of an occupier of the HMO.

For the purposes of this licence a room is used as sleeping accommodation if it is normally used as a bedroom, whether or not it is also used for other purposes.

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this licence.

Failure to comply with these licence conditions may result in the revocation of the HMO Licence and/or prosecution or imposition of financial penalties

COMPLETION: This must be complied with from the date of this licence or, if the room is occupied on the day the licence is granted, from the end of that tenancy up to a maximum of 18 months from the date of this licence. This condition will be included in all subsequent licences.

2. Landlord's Gas Safety Certificate

If gas is supplied to the dwelling, on the expiry of the landlord's gas safety certificate, obtain and submit annually to the Council a new certificate issued by a recognised engineer approved under Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998.

COMPLETION: This must be complied with from the date of the Licence.

3. Safety of Electrical Appliances

Keep all electrical appliances made available to the occupants in a safe condition. If an appliance is more than twelve (12) months old obtain for that appliance a Portable Appliance Test (PAT) certificate issued by a competent person and annually thereafter. On demand, the Licence Holder must submit a copy of the certificate to the Council.

COMPLETION: This must be complied with from the date of the Licence.

4. Furniture and Furnishings

The Licence Holder must ensure that all furniture and furnishings supplied by them for use by any occupier of the premise complies with the Furniture and Furnishings (Fire) (Safety) Regulations 1998 (as amended 1989 and 1993) and must provide to the Council on demand a declaration as to their safety.

COMPLETION: This must be complied with from the date of the Licence.

5. Safety of Electrical Installations

On 1 June 2020, the following duties in respect of electrical installations became part of the HMO licence conditions:

- to ensure that every electrical installation in the house is in proper working order and safe for continued use;
- to supply the local authority with a declaration confirming the safety of the electrical installation if the authority requests one

'Electrical installation' means fixed electrical cables or fixed electrical equipment located on the consumer's side of the electricity supply meter.

"Electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010.

COMPLETION: This must be complied with from the date of the Licence or, if the tenancy began before 1st July 2020, from the end of that tenancy or 1st April 2021 (whichever is soonest).

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6. Smoke Alarms

Ensure that smoke alarms are installed in the house and are kept in proper working order. The Licence Holder must supply, on demand, a declaration as to the condition and positioning of the smoke alarms.

COMPLETION: This must be complied with from the date of the licence.

7. Carbon Monoxide Detection

The licence holder is to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a fixed combustion appliance other than a gas cooker; and to keep any such alarm in proper working order; and to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm. A 'room' includes a hall or landing and 'living accommodation' includes a bathroom or lavatory.

COMPLETION: This must be complied with from the date of the licence.

8. Written Terms of Occupancy

Supply the occupiers of the house, on commencement of their occupancy, with a written statement of the terms in which they occupy the house. The Licence Holder must, on demand, provide the Council with a copy of the written statement.

COMPLETION: This must be complied with from the date of the Licence and whenever there is a change of occupants.

9. Waste & Disposal of Refuse

The licence holder shall continuously display in a conspicuous position within the property the infographic relating to waste and recycling services contained within this licence information. The Licence holder is responsible for complying with any scheme provided by Telford & Wrekin Council.

COMPLETION: This must be complied with from the date of the licence.

Imposed Licence Conditions

Schedule 2A

1. Restrictions and Prohibitions

- 1.1 The Licence Holder must not permit the house to be occupied in any other way or by more than the number of households or persons specified in the licence. The Licence Holder must comply with any direction issued by the Council restricting or prohibiting the use or occupation of any particular part or parts of the house by persons occupying it as specified in pages 1-2 or schedule 2 of the licence
- 1.2 There shall be no obligatory sharing.
- 1.3 A list of all occupants is to be provided to an authorised officer of the Council, on demand.

COMPLETION: This must be complied with from the date of the licence.

2. Manager's Details

- 2.1 The licence Holder must display, in a prominent position within the house, a notice containing the name, address and telephone contact number of the person who manages the house.

COMPLETION: This must be complied with from the date of the licence.

3. Display a Copy of the Licence & Gas Safety Certification

- 3.1 The Licence Holder must display a copy of the HMO Licence in the house. It shall be located adjacent to the Notice containing the name, address and telephone contact number of the person who manages the house.
- 3.2 A copy of the current, valid certificate must be clearly displayed adjacent to the Notice containing the name, address and telephone contact number of the person who manages the house.

COMPLETION: This must be complied with from the date of the licence.

4. Smoke Alarms / Fire Detection Systems

- 4.1 The licence holder must ensure that the fire alarm system is tested at least annually and submit to the Council upon demand a certificate/declaration to confirm the fire alarm system in the property has been tested and maintained in accordance with the provisions of British Standard BS5839-6:2019. The certificate/declaration must be not more than one year old.
- 4.2 If the property has a 'Grade A' fire alarm system (typically larger alarm systems with a control panel) the licence holder must ensure that the system is, tested weekly and inspected and serviced at periods not exceeding six

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months by a suitably qualified and competent person. An inspection and servicing certificate in accordance with BS5839 – 1:2019 must be obtained biannually and sent to the Council upon demand.

- 4.3 If the property has a 'Grade D1/D2' fire alarm system, the licence holder must ensure that all alarms are tested monthly and maintained in accordance with the manufacturer's instructions. A self-declaration or an inspection/servicing certificate is acceptable for Grade D systems and be sent to the Council upon demand.
- 4.4 A competent person is a person who is familiar with all British Standards relating to automatic detection systems and is registered with one of the bodies approved by the Government's Competent Persons Scheme.

COMPLETION: This must be complied with from the date of the licence.

5. Emergency Escape Lighting

- 5.1 The licence holder shall ensure that where emergency lighting is installed it is inspected, tested and serviced in accordance with BS 5266.
- 5.2 Throughout the period of the licence, the emergency lighting installation must be inspected and serviced by a competent person at least annually and a certificate provided in the format recommended by BS 5266. The certificate must be sent to the Council upon demand.
- 5.3 The above-mentioned checks shall be carried out by a competent person who is familiar with all British Standards relating to emergency escape lighting systems, who regularly inspects emergency escape lighting systems, who is qualified to inspect emergency escape lighting systems and is registered with one of the bodies approved by the Government's Competent Persons Scheme.

COMPLETION: This must be complied with from the date of the licence.

6. Safety of Electrical Installations

- 6.1 The licence holder shall supply to an authorised officer of the Council, on demand, the latest electrical installation condition report (EICR) in the format recommended in BS 7671. This report must be a periodic condition report – a visual condition report is not sufficient.

COMPLETION: This must be complied with from the date of the licence.

7. Fire Risk assessment

- 7.1 The licence holder must ensure that a suitable and sufficient fire risk assessments which meets all the requirements of the Regulatory Reform (Fire Safety) Order 2005 has been undertaken before the property is let. This must be reviewed regularly.

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- 7.2 A copy of the fire risk assessment must be provided to the Council on demand.

COMPLETION: This must be complied with from the date of the licence.

8.0 Tenancy management

- 8.1 The licence holder shall supply to the Council upon demand, a copy of the written statement.
- 8.2 The licence holder and /or their nominated representative must be a permanent UK resident.
- 8.3 From the outset of the licence term, the licence holder is required to provide an alternative suitable emergency contact and other management arrangements in the event of their temporary/short term absence. Details of the temporary contact arrangements must be provided in writing to all tenants and to the Council.
- 8.4 The temporary cover arrangements must comply with the fit and proper person requirements as stated in the licence conditions and Section 66 of the 89 of the Housing Act 2004.
- 8.5 The licence holder must ensure that all tenants ensure that all tenants have the right to reside in the UK and undertake all necessary 'Right to Rent' checks in accordance with the Immigration Act 2014 and National Guidance.
- 8.6 Each tenant must be provided with a copy of the "How to Rent Guide" and associated documentation referred to therein which is applicable to each specific rental agreement. Evidence must be supplied to the local housing authority on demand to confirm that the "How to Rent Guide" has been provided to each tenant at the start of their tenancy.
- 8.7 Unless a tenant pays rent via direct debit or similar bank transfer, the tenant must be supplied with a receipt upon payment of rent which details the amount paid, the date of payment and the recipient of the payment, whether this is the manager, licence holder, agent or other relevant party. The receipt must be provided at the time the payment is made.

COMPLETION: This must be complied with from the date of the licence.

9. Changes to the Licensed Property and/or Licence Holder

- 9.1 The Licence Holder will be required to notify the Council of any intended alterations or changes in the use and occupancy levels of each room, which may affect the licence contents or conditions attached to the licence. The Licence Holder will be required to inform the Council immediately of any material change of circumstance affecting the Licence Holder or the operation of the property.
- 9.2 The Licence Holder must inform the Council if they no longer reside at the

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address given in their licence application and provide the Council with their new address within 21 days of a change of address.

- 9.3 The Licence Holder must inform the Council if there is a change in managing agent, within 21 days of such a change.
- 9.4 If the Licence Holder is a managing agent they must inform the Council if the person who is specified as the main contact ceases to be employed by them and inform the Council of a new contact, within 21 days of such a change.
- 9.5 If the License Holder is a managing agent they must inform the Council if they cease to have an interest in the property, within 21 days of such a change.
- 9.6 Where the property is sold and the owner is the licence holder, the licence holder must request that the HMO licence is revoked. Licences cannot be transferred.

COMPLETION: This must be done within twenty-one (21) days of a permanent change occurring.

10. Fit and Proper Person

- 10.1 The Licence Holder must inform the Authority if since becoming the Licence Holder he contravenes any of the sections 10.2 (a)-(d). This must be done within 21 days of such a contravention.
- 10.2 The Licence Holder must inform the Authority if the person managing the property contravenes any of the sections 10.2 (a to d) below within 21 days of such contravention taking place.
 - a. Committed an offence involving:
 - Fraud
 - Dishonesty
 - Violence
 - Drugs
 - Sexual Offences Act Schedule 3
 - b. Practised unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in connection with a business.
 - c. Contravened any provision of Housing or Landlord and Tenant Law. particular:
 - Subject to proceedings by a Local Authority
 - Where the Local Authority has had to carry out works in default
 - Subject to a Management Order under the Housing Act 2004
 - Or been refused a licence or breached conditions of a licence
 - d. Acted in contravention of any Approved Code of Practice (AcoP).

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COMPLETION: This must be done within twenty-one (21) days of such a contravention.

11. Waste disposal and refuse (additional conditions)

- 11.1 Suitable and adequate provision must be made for the storage and collection of refuse and waste generated from the property. Only designated receptacles for waste and recycling which are provided by the approved waste carrier can be used. Where waste levels indicate that the existing provision of receptacles is inadequate for the current number of occupiers at the property, the licence holder, and / or their representative, must obtain additional waste receptacles at their own expense and ensure that collections of the waste are undertaken from the property.
- 11.2 At the beginning of each new tenancy the licence holder will inform tenants in writing of proper refuse management. This must include information covering the usual days of refuse and recycling collection, contact details for refuse / bulky item collections undertaken by Borough of Telford and Wrekin or other waste collection services. The licence holder must retain a copy of the information provided to each tenant, signed by the tenant acknowledging receipt and produce this upon request to the local housing authority.
- 11.3 The licence holder must ensure that the waste receptacles are ready for collection at the stated time and place and brought back into the refuse storage area following collection.
- 11.4 The licence holder must ensure that at the end of each tenancy, any rubbish or unwanted household goods left behind are removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left at the front or back garden or the pavement of the in front of the property should be removed.
- 11.5 The licence holder is responsible for ensuring that the property including all gardens, yards, external areas including storage areas are kept clean, free from accumulations of waste, rubbish & fly-tipping and pest infestations. The licence holder, must arrange, undertake and pay for any clearance, treatment, baiting or other necessary works to comply with this.
- 11.6 Where waste items are removed from the property, other than through kerb side collections by the local waste authority, the licence holder must ensure that the waste is disposed of in accordance with current legal requirements.
- 11.7 All tenants must be able to access, at all times, all external areas of the property including the front and rear garden, yard areas, external refuse storage areas and any other area within the curtilage of the property boundary. There must be ground floor access to all aforementioned areas from the inside of the property. It will not be permitted for such access to be granted through a room occupied exclusively by another tenant.

COMPLETION: This must be complied with from the date of the licence.

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12. Harassment and Illegal Eviction

- 12.1 The Licence Holder must ensure that any evictions are carried out under the provisions of the current legislation.
- 12.2 The Licence Holder must follow the correct legal process to gain possession of a dwelling, serve the correct eviction notice and must not commit or cause or permit a third party to commit acts likely to interfere with the peace or comfort of a tenant or anyone living with him or her; or persistently withdraw or withhold services for which the tenant has reasonable need to live in the premises as a home.
- 12.3 If in doubt, the Licence Holder must seek independent legal advice.

COMPLETION: This must be complied with from the date of the licence.

13. Managing Anti-Social Behaviour

- 13.1 The licence holder must take reasonable and practicable steps to prevent or reduce anti-social behaviour and prevent the use of the premises for illegal purposes by any persons occupying or visiting the premises. The following steps must be implemented as a minimum control measure in this regard:-
- a. Co-operate with Telford and Wrekin Council, West Mercia Police and other agencies and organisations in resolving complaints of anti-social behaviour and / or illegal activity. The licence holder, will be required to undertake an investigation of any complaints regarding their tenants and any problems occurring within the curtilage or within close proximity to the curtilage of the licensed property. Written records of these investigations must be undertaken and provided to Telford and Wrekin Council upon request.
 - b. The licence holder, must undertake checks of the communal areas, communal rooms and external areas within the boundary of the property, at least weekly, to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions. Written records must be maintained of these checks with details of any action taken recorded and remedial works completed satisfactorily.
 - c. Ensure that each tenant is made aware that they are responsible for their own behaviour and the behaviour of their visitors. Tenants must be made aware that if they, other occupiers, or their visitors:-
 - i. Cause nuisance or annoyance to neighbours; or
 - ii. Use abusive or threatening language or behaviour to neighbours; or
 - iii. Fail to store or dispose of refuse properly; or
 - iv. Cause damage to fixtures, fittings, fire prevention or alarm equipment or installations, or
 - v. Cause damage to the fabric of the premises; or
 - vi. Fail to give access to the landlord or his agent for the purpose of maintaining communal areas or, upon reasonable notice, to inspect or undertake works within their accommodation,

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they will be liable to enforcement action which may include possession proceedings either under the terms of the tenancy, pursuant to s.21 of the Housing Act 1988 or pursuant to Grounds 13 or 14 of Schedule 2 to the Housing Act 1988.

COMPLETION: This must be complied with from the date of the licence.

14. General Public Health and Environmental Housing Standards

- 14.1 The licence holder must ensure the means of escape / protected route is kept clear of obstructions and all fire doors are kept in good working order.
- 14.2 The licence holder must inform tenants at the start of each tenancy that smoking is not permitted to take place in the communal and circulation areas of the premises by any person. They must install appropriate signage. If evidence of smoking in the communal and circulation areas is found during inspections of the property, action must be taken by the licence holder.
- 14.3 This licence has been granted based on the property layout and use of rooms as detailed on the plan attached to the licence. The layout, structure, provision of amenities, use and size of rooms must not be altered without prior consultation and written approval of the local housing authority. Room numbers / letters for identification purposes as contained on the floor plan must also remain in place for the duration of the licence period.
- 14.4 The Licence Holder must not allow the property to become overcrowded. This means that the maximum permitted occupancy of each bedroom, stipulated on the licence, must be complied with at all times. Where a room is deemed suitable for 2 people, this is based upon the room being occupied by a co-habiting couple only. Rooms other than bedrooms are not used for sleeping purposes.
- 14.5 The licence holder must make suitable arrangements for the cleaning of all common parts, communal areas and shared facilities on a regular basis. This must be organised, managed and paid for by the licence holder.
- 14.6 Prior to re-letting individual bedrooms / bedsits / the whole property, the licence holder, must make suitable arrangements for the property to be cleansed and returned to an acceptable standard of decorative repair to be undertaken to the room / bedsit / whole property and ensure that all facilities and furniture are in clean, working order. This must be organised, managed and paid for by the licence holder.
- 14.7 Where previous tenants have not surrendered keys, the licence holder, will arrange for a barrel change to be undertaken to the locking mechanism prior to new tenants moving in, ensuring that all current tenants are provided with a new key for all changed barrels. The barrel changes must also include any communal entrance doors to the property.
- 14.8 The licence holder, must notify the local housing authority, of any fires or incidents at the property which involve the Police or Fire and Rescue within 24

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hours of becoming aware of the incident occurring, or the next working day, i.e. Monday morning if the event occurred on a Friday / Saturday / Sunday.

- 14.9 The licence holder, must ensure that a Legionella Risk Assessment is undertaken for the premises and reviewed annually. A copy of the risk assessment must be provided to the local housing authority upon demand.
- 14.10 The Licence holder must ensure that appropriate information is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the premises.
- 14.11 This must include, but not limited to, a simple understanding of how the alarm system operates, the importance of the fire doors in containing fire, protecting the escape route and the importance of keeping the escape route free of obstructions and the use of any fire-fighting equipment that has been provided.
- 14.12 A written record must be kept of such training including the date of the information was provided, what was discussed and with whom these discussions were had.
- 14.13 The operation of the emergency lighting, automatic fire detection system and any other communal facility, communal appliance & communal lighting must be powered from the landlord's supply of electricity which is not permitted to be on a pre-payment top up meter.
- 14.14 The operation of the gas supply to the property must not be unreasonably interrupted, as such the communal boiler must be on the landlord's supply of gas which is not permitted to be on a pre-payment top up meter.
- 14.15 The licence holder must ensure that there is a fire blanket which conforms to the current British Standard located in all rooms where there are cooking appliances. The fire blanket must be fixed to the wall at an exit door away from the cooking facility at approximately 1.5m high.
- 14.16 The provision of whole house space heating in the property shall be capable of achieving a constant temperature of at least 18°C when the external temperature is -1°C. Electric convector heaters will not be acceptable as the main form of whole house heating system in any circumstances.
- 14.17 Radiators in habitable rooms (bedrooms and communal rooms) must be fitted with thermostatic radiator valves.
- 14.18 Hot water must be available upon demand in sufficient volume for the number of occupiers and potential users, for bathing, domestic purposes and personal hygiene use.
- 14.19 There must be enough electric sockets for the number of portable appliances likely to be used within the property, in order to minimise the use of multi-socket adapters. This must be no fewer than **3 double gang electric sockets** (preferably double power sockets are not all adjacent to each other) in all bedrooms and no fewer than 4 double gang electric sockets in the communal

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kitchen which are in addition to the following household appliances which must have their own dedicated electric socket:- washing machine, dish washer, microwave(s), tumble drier, fridge(s), freezer(s). All sockets must be appropriately sited to ensure ease of use.

- 14.20 All habitable rooms, including those in basements, be fitted with an openable window which provides adequate and suitable ventilation in accordance with current Building Regulations. It is not permitted for habitable rooms to only be equipped with a door as the sole means of natural ventilation.
- 14.21 All ground floor, basement windows, low level windows & readily accessible roof lights must have suitable windows locks and are fully secured to prevent unauthorised access from the outside. Keys for all windows must be available to tenants to permit intended use.
- 14.22 Where a ground floor bedroom is located off a high risk room, such as a kitchen, lounge, dining room or other communal room which is not directly accessible to the communal escape route, the room must be fitted with an escape window or a door to allow access direct to the outside. There must be a clear and unobstructed escape route from the external area to a point of safety away from the property.
- 14.23 The exterior of the property must be maintained in reasonable decorative condition and state of repair.

COMPLETION: This must be complied with from the date of the licence.

15. Requirement for Appropriate Planning Consent

- 15.1 If your HMO can accommodate more than 6 persons, then you must get appropriate planning consent from the Council. If planning consent is not given within 12 months from the date of your HMO licence then the Council reserves the right to revoke or vary your HMO licence to ensure there is no breach of planning legislation.

COMPLETION: This must be complied within 12 months from the date of the licence.

Further Conditions Schedule 2B

Conditions specific to: **Insert Property Address**

For the avoidance of doubt the terms "Left", "Right", "Front", "Rear" shall be constructed as those relative positions in the Property when viewing the house as if standing in the road serving the property

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Licence and/or prosecution or imposition of financial penalties***